

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

TELINIT TECHNOLOGIES, LLC	§	
	§	
	§	
Plaintiff,	§	
	§	
v.	§	CIVIL ACTION NO. 2:13-cv-743-JRG
	§	(LEAD CASE)
SPOTIFY USA, INC,	§	
	§	
Defendant/Third-Party Plaintiff	§	
	§	
v.	§	CIVIL ACTION NO. 2:13-cv-803-JRG
	§	(MEMBER CASE)
	§	
GARY ODOM d/b/a PATENT HAWK LLC,	§	
	§	
Third-Party Defendant.	§	

ORDER


On July 1, 2014, Mr. Andrew W. Spangler, counsel of record for third-party Defendant Gary Odom d/b/a Patent Hawk LLC, filed an unopposed motion to withdraw as Mr. Odom’s counsel. (*See* Dkt. No. 54.) There is no indication that Mr. Odom will be represented by substitute counsel. In response to Mr. Spangler’s motion, Defendant and third-party Plaintiff Spotify USA, Inc. (“Spotify”) pointed out that Patent Hawk LLC – Mr. Odom’s consulting company – is an active corporation, and therefore cannot proceed *pro se* in federal court. *See Memon v. Allied Domecq QSR*, 385 F.3d 871, 873 (5th Cir. 2004). Spotify argues that Mr. Spangler’s request for withdrawal should not be granted until Patent Hawk LLC retains substitute counsel. Mr. Spangler subsequently filed a reply to Spotify’s response, wherein Mr. Odom,

without citing to any supporting document, stated that Patent Hawk LLC is in fact “an *unincorporated* sole proprietorship.” (*See* Dkt. No. 58.)

After reviewing the parties’ submissions, the Court finds that a key issue concerning whether or not this Court should now grant Mr. Spangler’s withdrawal request is the precise form of Mr. Odom’s company, Patent Hawk LLC (“Patent Hawk”).

Given that neither party has submitted evidence supporting their contradicting assertions, the Court hereby **ORDERS**, *sua sponte*, that Mr. Odom shall submit a certificate issued by the Secretary of State of Oregon regarding Patent Hawk LLC’s precise entity form within **fifteen (15) days** of this order. Such certificate shall be up-to-date, and issued by the Oregon Secretary of State within not more than thirty days from this date. The Court **CARRIES** Mr. Spangler’s motion to withdraw pending review and consideration of such additional submission from Mr. Odom.

So ORDERED and SIGNED this 21st day of July, 2014.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE